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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Vlazny et al.

Serial No.: 10/727,154

Filed: December 2, 2003

For: METHODS AND SYSTEMS FOR  
PRESENTING PARI-MUTUEL BETTING  
OPTIONS AND CONSTRUCTING  
WAGERS

Confirmation No.: 5283

Examiner: K. Nguyen

Group Art Unit: 3711

Attorney Docket No.: 3127-6066US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994850459US

Date of Deposit with USPS: May 2, 2005

Person making Deposit: Steve Wong

PETITION TO MAKE APPLICATION SPECIAL  
UNDER M.P.E.P. § 708.02 II

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Special Program Examiner for Relevant Group Art Unit

Sir:

**Petition**

Applicants petition to make the referenced application special because of actual infringement.

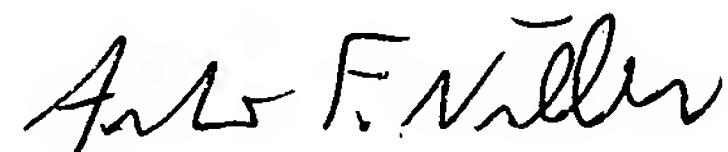
**Requirements under M.P.E.P. § 708.02 II**

A statement is transmitted herewith entitled "Statement and Declaration Supporting Petition to Make Special" (hereinafter the "statement") signed by Andrew F. Nilles, an attorney of record in the referenced application. The statement indicates that there is an infringing device or product on the market, that a rigid comparison of the infringing product has been made with the claims of the application and that in Mr. Nilles' opinion, some of the claims are unquestionably infringed. The statement further indicates that Mr. Nilles has made or caused to be made a careful and thorough search of the prior art.

**Fee**

The fee required under 37 C.F.R. § 1.17(i) is to be paid by the attached check for \$130.00. Should there be any deficiency in the fee, the Office is hereby authorized to charge Applicants' undersigned attorney's Deposit Account No. 20-1469.

Respectfully submitted,



Andrew F. Nilles  
Registration No. 47,825  
Attorney for Applicants  
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Telephone: 801-532-1922

Date: May 2, 2005

AFN

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**STATEMENT AND DECLARATION SUPPORTING  
PETITION TO MAKE SPECIAL UNDER M.P.E.P. § 708.02 II**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Special Program Examiner for relevant group art unit

Sir:

I declare that I am an attorney of record in the above-referenced application.

Upon information and belief, I declare that there is an infringing device or product actually on the market in the United States of America.

A rigid comparison of the infringing device or product has been made with the claims of the referenced application. In my opinion, some of the claims are unquestionably infringed. As an example of a claim being infringed, the following claim from the above-referenced application

is compared to the infringing product:

Claim 48. A method of conducting a pari-mutuel gaming activity, the method comprising:	The infringing device is a gaming system for conducting a pari-mutuel gaming activity and having a display element.
selecting at least one portion of at least one wager on a race;	The infringing device (gaming system) selects a runner (i.e., the at least one portion) of a win bet (i.e., the at least one wager) on a race (i.e., Race 2).
displaying the at least one selected portion of the at least one wager to at least one patron; and	The infringing device (gaming system) displays the selected runner of the win bet of the race on a display element.
providing the at least one patron an opportunity to place the at least one wager.	The at least one patron is provided with an opportunity to place the at least one wager by interacting with the gaming system.

I declare that I have made or caused to be made a careful and thorough search of the prior art. Submitted herewith, accompanied by a Supplemental Information Disclosure Statement and a form PTO-1449 or equivalent, are copies of references deemed most closely related to the subject matter encompassed by the infringed claims.

I declare that actual, literal infringement of at least some of the claims of the above-referenced application exists. Therefore, expedited prosecution of the above-referenced application is sought.

  
\_\_\_\_\_  
Signature of Andrew F. Nilles, attorney of record

5/2/05  
\_\_\_\_\_  
Date